

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
March 12, 2018**

1. CALL TO ORDER

Mayor Duane Poppe called the regular meeting of the Osseo City Council to order at 7:00 p.m. on Monday, March 12, 2018.

2. ROLL CALL

Members present: Councilmembers Harold E. Johnson, Mark Schulz, Larry Stelmach, Anne Zelenak, and Mayor Duane Poppe.

Staff present: City Administrator Riley Grams, City Planner Nancy Abts, and City Attorney Mary Tietjen.

Others present: Lee Gustafson, Emily Lueth, Kyler McLachlan, Dorothy Clarke, and Larry Clarke.

3. PLEDGE OF ALLEGIANCE

Poppe led the Pledge of Allegiance.

4. APPROVAL OF AGENDA [Additions - Deletions]

Poppe asked for additions or deletions to the Agenda.

A motion was made by Schulz, seconded by Stelmach, to accept the Agenda as presented. The motion carried 5-0.

5. CONSENT AGENDA

- A. Approve Council Work Session Minutes of February 26
- B. Approve Council Minutes of February 26
- C. Approve February Building Report
- D. Accept Resignation of Public Works Senior Maintenance Worker Randy Korfiatis
- E. Receive January Northwest Area Jaycees Gambling Report
- F. Set Public Safety Advisory Committee Meeting for March 28
- G. Accept Request for Street Closing for Fire Department Egg Hunt on March 24
- H. Accept Resignation of Firefighter Mathew Kuehn
- I. Approve Temporary Sign Permit Fee Waiver for Osseo Lions Pancake Breakfast
- J. Accept Resignation of Public Works Director Rick Hass
- K. Receive Fire Relief Gambling Report
- L. Receive Lions Club Gambling Report

A motion was made by Schulz, seconded by Johnson, to approve the Consent Agenda. The motion carried 5-0.

6. MATTERS FROM THE FLOOR – None.

7. SPECIAL BUSINESS – None.

A. ACCEPT DONATIONS (Resolution)

City Administrator Riley Grams stated the City has received the following donation:

<u>Donor</u>	<u>Amount/Item</u>	<u>Designated Fund</u>
Harold E. & Gayle Johnson <i>(in memory of Oscar Johnson & Rita Krois)</i>	\$ 200	Beautification/Flower Fund

Staff recommended the Council accept the donation.

A motion was made by Schulz, seconded by Stelmach, to adopt Resolution No. 2018-16 accepting a donation from Harold E. & Gayle Johnson in the amount of \$200. The motion carried 5-0.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS – None.

10. NEW BUSINESS

A. CONFIRM EDA ACTIONS OF MARCH 12, 2018

Grams discussed the actions of the EDA. He noted the EDA approved accounts payable and discussed a potential annexation.

A motion was made by Stelmach, seconded by Schulz, to confirm the EDA Actions of March 12, 2018. The motion carried 5-0.

B. APPROVE BIDS FOR 2018 STREET & ALLEY RECONSTRUCTION PROJECTS (Resolutions)

Lee Gustafson, WSB, stated the 2018 street reconstruction project consists of reconstructing portions of 4th Avenue NE, 4th Street NE, and 6th Avenue NE including repairing or minimal reconstruction of the storm and sanitary sewer, replacement of curb and gutter as needed, and repair and installation of new sidewalk. The existing roadway width will be maintained to the greatest extent possible, and minimal impacts will be made outside of the curb with the exception for impacts related to utility work, curb replacement, and sidewalk repair and installation.

Mr. Gustafson explained the 2018 alley project consists of reconstructing two alleys. Alley #1 is between 5th and 6th Avenues NE from 4th Street NE to 93rd Avenue North. Alley #2 is between 2nd and 3rd Avenues NE from 4th Street NE to 93rd Avenue North. Both alley projects include repairing or minimal reconstruction of the storm sewer. It is proposed to maintain the existing alley widths and that all work will be within the existing alley right-of-way. A new 12-foot wide, 6-inch thick concrete pavement will replace the old bituminous pavement on both alleys.

Mr. Gustafson reported bids were received on March 8 for the 2018 Street and Alley Reconstruction projects. Ten bids were received in response to the call for bids. They are summarized as follows:

ASTECH Corp.	\$695,585.20
Omann Contracting Companies, Inc.	\$714,120.16
S.R. Weidema, Inc.	\$720,112.50
GMH Asphalt Corporation	\$736,932.01
Northwest Asphalt, Inc.	\$757,872.01
Northdale Construction Co., Inc.	\$767,440.51
Midwest Asphalt Services	\$776,140.00
New Look Contracting, Inc.	\$784,384.00
Meyer Contracting, Inc.	\$851,432.97
Douglas-Kerr Underground, LLC	\$898,985.20
<i>Engineer's Opinion of Probable Cost</i>	<i>\$861,217.50</i>

Mr. Gustafson indicated the apparent low bidder, Asphalt Surface Technologies Corp., has satisfactorily completed several similar projects in the metro area. The total cost for all three projects is estimated at \$956,429.65. The street project is estimated at \$629,824.80, and includes all proposed street, utility, sidewalk, and storm sewer improvements as well as all engineering and administrative costs. Alley #1 is estimated at \$198,064.63, and includes all proposed alley paving components and storm sewer improvements as well as all engineering and administrative costs. Alley #2 is estimated at \$128,540.23, and includes all proposed alley paving components and storm sewer improvements as well as all engineering and administrative costs.

Mr. Gustafson reported financing the 2018 Street Reconstruction Project will be based on the City's special assessment policy which calls for 50% of the proposed improvements to be specially assessed including all administrative costs. The remaining 50% and 100% of the storm and utility costs will be financed by the City through street and enterprise funds. Financing the 2018 Alley Reconstruction Projects will be based on the City's special assessment policy which calls for 80% of the proposed improvements to be specially assessed. The remaining 20% and 100% of the storm sewer costs will be financed by the City.

Mr. Gustafson commented a final assessment roll will be prepared based on the results of the street reconstruction bids and individual assessment notices will be mailed to each property owner. Based on the above bids, residential assessments are estimated at \$5,710 per unit, and commercial at \$67.00 per lineal foot. A final assessment roll will be prepared based on the results of the alley project #1 bids and individual assessment notices will be mailed to each property owner. Based on the above bids, residential assessments are estimated at \$4,230 per unit. A final assessment roll will be prepared based on the results of the alley #2 bids and individual assessment notices will be mailed to each property owner. Based on the above bids, residential assessments are estimated at \$3,520 per unit. Staff requested the Council order the projects and call for the assessment hearing.

Stelmach requested further information regarding the sanitary sewer project. Mr. Gustafson discussed the proposed sanitary sewer project and stated now would be the best time for residents to replace or repair their sewer line from the house to the street. He encouraged residents to wait and fix their driveways until after the project was completed. He explained he could create a letter that could be sent to residents explaining this information in further detail.

Stelmach questioned why the City had received such good pricing on the bids. Mr. Gustafson stated this was due to the fact the City had planned well and bid its projects early.

A motion was made by Johnson, seconded by Schulz, to adopt Resolution No. 2018-17 Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessments for the 2018 Street Reconstruction Project. The motion carried 5-0.

A motion was made by Zelenak, seconded by Stelmach, to adopt Resolution No. 2018-18 Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessments for the 2018 Alley #1 Reconstruction Project. The motion carried 5-0.

A motion was made by Stelmach, seconded by Schulz, to adopt Resolution No. 2018-19 Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessments for the 2018 Alley #2 Reconstruction Project. The motion carried 5-0.

A motion was made by Schulz, seconded by Zelenak, to adopt Resolution No. 2018-20 Ordering a Hearing on Proposed Assessments for the 2018 Street and Alley Reconstruction Projects. The motion carried 5-0.

Schulz thanked Lee Gustafson and Emily Lueth from WSB for their great work on this project.

C. APPROVE DRUG AND ALCOHOL TESTING POLICY FOR DOT DRIVERS

Grams commented federal law dictates testing for drugs and alcohol for commercial driver's license holders. The City of Osseo CDL holders affected by this proposed policy would be the three Public Works Department employees. The City Council discussed this matter at the February 26 Council Work Session. The City Council opted to consider drug and alcohol testing of all employees. This proposed policy addresses CDL holders only. Staff commented further on the proposed policy and recommended approval.

A motion was made by Johnson, seconded by Stelmach, to approve the Drug and Alcohol Testing for Commercial Drivers Policy as proposed. The motion carried 5-0.

D. APPROVE HIRE OF PUBLIC HEALTH/PLANNING INTERN

City Planner Nancy Abts commented on the Public Health/Planning Intern position stating staff received six applications. One was withdrawn. After review and scoring of those applications, four applicants were invited to interview with City Administrator Grams, City Planner Abts, and Hennepin County Public Health Employee Kassandra Nystrom during the week of February 26. Based on those interviews, staff is recommending that the Council hire Kyler Mclachlan as the Public Health/Planning Intern at a rate of \$15/hr.

Abts reported Kyler Mclachlan impressed the interview panel with his experience and education, enthusiasm for the position, and willingness to participate in evening and weekend events. He holds a B.S. in Geography with a minor in GIS from the University of Minnesota. He has relevant experience working with the University of Minnesota's recycling programs from December 2015 to July 2017.

Kyler Mclachlan introduced himself to the City Council and thanked them for the opportunity to serve as the Public Health/Planning Intern. He stated he believed that healthy people brought about a healthy community.

A motion was made by Zelenak, seconded by Schulz, to approve hiring Kyler Mclachlan as the City's Public Health/Planning Intern. The motion carried 5-0.

E. APPROVE POSTING FOR PUBLIC WORKS MAINTENANCE WORKER

Grams explained Public Works Senior Maintenance Worker Randy Korfiatis has submitted his resignation per the terms of his contract. Therefore, the City should consider posting for that position now in order to maintain an effective hiring process time frame. The Public Works Maintenance Worker job description will be used in the ad. The ad will be placed on the League of Minnesota Cities job opportunities website, as well as the City's website and in The Press.

Grams commented the new Public Works Director will be on board when the interviewing process begins and will be an integral part of hiring for this position. The Council Human Resources Committee will also have a role in the interview and hiring process. The anticipated time table for hiring the new Public Work Maintenance Worker is:

March 13	Post position opening
March 30	Deadline to receive applications
Week of April 2	Review applications
April 16 – May 4	Schedule interviews with selected candidates
May 14	Council approves final hire
Late May	New Maintenance Worker starts

A motion was made by Stelmach, seconded by Johnson, to approve the job posting for the Public Works Maintenance Position. The motion carried 5-0.

F. APPROVE 1ST READING OF ORDINANCE AMENDMENT FOR SPECIAL EVENTS

Abts explained the proposed ordinance is a comprehensive document. It reflects many of the discussion items covered at past work sessions. Briefly, the following topics are addressed in the following ways (emphasis and commentary added):

Definition of "special event"

The following words, terms and phrases, when used in this Chapter, will have the following meanings:

SPECIAL EVENT. Any [event] held in whole or in part upon publicly owned property or public right-of-way, or, if held wholly or partly upon private property, will require the use of Special Services.

SPECIAL SERVICES. The exclusive allocation of city resources, including, but not limited to, city personnel, equipment, rights-of-way, property or facilities ... Special Services shall include, but not be limited to, any of the following: street closures; requiring police officers to stop or reroute traffic; special police protection; stationing emergency vehicles at or in the immediate vicinity of the event; exclusive use of city streets or property as a staging area or for event parking; additional street cleaning and garbage removal services; special signage, such as temporary no parking signs; the use of any city building, equipment or other property for any purpose other than the normal operations of the facilities; or the city otherwise providing exclusive services.

When is a permit required?

A permit is required for all events on public property or right of way, or private events that require Special Services, except:

117.03 PERMIT. (B) Exceptions. A permit is not required for:

- (1) Wedding ceremonies, funeral ceremonies and funeral processions;
- (2) Any event attended by fewer than 200 persons at one time which does not require any Special Services and does not involve the **sale** of alcohol;
- (3) Any event that is otherwise regulated by the city through the use of another regulatory manner, such as a conditional use permit; (e.g., a theater performance or religious service for 250 people at a facility with a CUP for the use)
- (4) Any event that is otherwise approved by the city through a facility rental or use agreement (e.g., a Community Center rental) or contract which does not require any additional Special Services and does not involve the **sale** of alcohol; and (e.g., a catered event at the Community Center where alcohol may be served under the existing Community Center agreement)
- (5) The use of traditional public forums as alternative channels of communication by the public, provided that such use is for the free exercise of constitutionally protected activities and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public. (e.g., a protest or political rally)

Permit Fees

§ 117.04 (C) Permit fee. An applicant for a Special Event permit must pay a nonrefundable permit fee in an amount set by resolution. (changes to the fee schedule would be proposed after the 1st Reading is approved)

§ 117.07 SPECIAL SERVICES FEES.

(A) **Special Services Fee Deposit.** If any Special Services are to be used during the Special Event, the applicant may be required to pay a Special Services fee deposit at least ten business days before the Special Event. The Special Services fee deposit shall be determined by the city administrator. It shall be based upon an estimate of Special Services that are necessary as determined by the city's department heads.

(B) **User Fee.** Upon completion of the Special Event, the city may prepare a detailed account of all Special Services provided for the Special Event and in such cases, will set the final user fee using the rates, fees and charges in the amounts set by resolution. The city will then provide the authorized and responsible person identified in the Special Event permit application with a copy of the detailed account of the Special Services and an invoice for the user fee, less the fee deposit. The balance of the user fee will then become due and payable immediately upon its receipt. Any unexpended deposit amount will be returned to the applicant.

(C) **Special Services Rates.** The rates charged shall be an amount set by resolution.

Fee waivers

§ 117.14 MODIFICATIONS.

The city may modify or waive any of the requirements of this Chapter after a finding that the waiver or modification of the requirements, including the required fee, will not endanger the public health, safety and welfare of the community and that enforcement of the requirements would impose a unique hardship upon the applicant.

Repeal of other sections of code

The ordinance also proposes repealing two sections of code that deal with licenses for “Public Dances” (§ 114.01) and “Entertainments, Shows, Carnivals, and the like” (§ 114.02). The Special Events requirements are more comprehensive than what is included in these current sections of the code.

Schulz stated he was having trouble with the line that stated a special event was in whole or in part upon publicly owned property or public right-of-way, or, if held wholly or partly upon private property, will require the use of Special Services. He suggested the word “that” be placed after property and before will. Grams suggested this read, and may require the use of Special Services. City Attorney Tietjen recommended this read in whole or in part upon publicly owned property or public right-of-way, or, if held wholly or partly upon private property, and will require the use of Special Services.

A motion was made by Stelmach, seconded by Zelenak, to approve the 1st Reading of the Ordinance Amendment for Special Events as amended. The motion carried 5-0.

G. APPROVE GATEWAY SIGN POLICY CHANGES

Abts explained since the Gateway Sign has been in operation, staff has received a few requests from local groups to waive fees associated with the placing ads on the sign. Currently, the Gateway Sign policy makes no mention of approving requests to waive fees. Other city policies, however, explain how groups can submit a request to waive fees—for use of the Community Center, for example. Those requests are put onto the next available City Council agenda for consideration (under Consent Agenda).

Abts stated the proposed policy changes remove the charge for administrative appeals for applicants who disagree with a decision by city staff about whether a message meets the criteria to be posted on the sign. It also explains the procedures for requesting a fee waiver.

Schulz stated he would like to see further language added to describe how the Gateway Sign Policy will address public officials that wish to hold a public gathering.

Stelmach supported this recommendation and suggested this portion of the policy read: or an elected official which represents the City of Osseo, provided the event is taking place in Osseo.

Zelenak questioned if school district representatives should then also be allowed.

Schulz and Stelmach supported this addition.

Grams asked if the Council wanted to move forward with this item or to direct staff to make the language changes and report back at the Council’s next meeting. The Council supported the item being tabled to March 26.

A motion was made by Schulz, seconded by Stelmach, to table action on the Gateway Sign Policy Changes to the March 26, 2018, City Council meeting. The motion carried 5-0.

H. APPROVE GATEWAY SIGN SURVEY AND INCENTIVE

Grams explained the Hennepin County Business District Initiative grant that helped fund the sign's construction also requires an evaluation survey. Staff has worked with program administrators to create the survey. As an incentive for completing the survey, an offer for a single future \$25 discount on a future Gateway Sign posting is recommended. The incentive will be available for the rest of the calendar year (until December 31, 2018).

Grams reported the survey will be available through the city's website at www.DiscoverOsseo.com/survey. Information will be distributed to past users of the Gateway Sign, the local Chamber of Commerce, the Explore Osseo group, and through the City's social media accounts. It will also be promoted on the Gateway Sign itself. If approved tonight, the survey will be open for two weeks, from March 13 to March 27.

Schulz recommended this item be put on hold until the policy changes have been approved by the City Council. The Council was in agreement.

A motion was made by Schulz, seconded by Johnson, to table action on the Gateway Sign Survey and Incentive to the March 26, 2018, City Council meeting. The motion carried 5-0.

I. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

A motion was made by Johnson, seconded by Zelenak, to approve the Accounts Payable as presented. The motion carried 5-0.

11. ADMINISTRATOR REPORT

Grams thanked Kyler McLachlan for attending this meeting and stated he was looking forward to working with him.

12. COUNCIL AND ATTORNEY REPORTS

Abts reported there would be a series of Blue Line extension workshops sponsored by Hennepin County that would be held on March 20 and April 25 at the library in Brooklyn Park.

Johnson commented the old concrete plant in Maple Grove would be putting in three new office/warehouse buildings. He explained these buildings would bring a great deal more traffic into Osseo.

Stelmach thanked Mr. Randy Korfiatis and Mr. Rick Hass for their dedicated service to the City of Osseo.

Zelenak stated she would not be able to attend the March 26 City Council meeting.

Poppe stated the Osseo Fire Department Relief Association Easter Egg Hunt would be held on Saturday, March 24, at noon.

Poppe noted the Osseo Orchard Fruit Tree Pruning Workshop would be held on Sunday, March 25, from 10:00 a.m. to 1:30 p.m.

13. ADJOURNMENT

A motion was made by Schulz, seconded by Zelenak, to adjourn the City Council meeting at 7:57 p.m. The motion carried 5-0.

Respectfully submitted,

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.